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ELECTRONICALLY FILED
DOC #: <u>10-1-09</u>
DATE FILED: <u>10-1-09</u>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MIGUEL VILLANOVA,

Plaintiff,

- against -

JOHN C. HARBILAS,

Defendant.

ORDER

08 Civ. 10448 (PKC) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

Pro se Plaintiff Villanova filed this action on December 3, 2008. On April 9, 2009, and on May 29, 2009, the Court ordered Villanova to either serve Defendant or show good cause why this case should not be dismissed for failure to prosecute. Although there were problems concerning his address, his address is now current and the summons was re-issued August 12, 2009. To date, he has failed to serve Defendant. Therefore,

IT IS HEREBY ORDERED that Villanova either **SERVE DEFENDANT or SHOW GOOD CAUSE** by **November 13, 2009**, why this case should not be dismissed for failure to prosecute. Failure to respond will result in dismissal of this case.

SO ORDERED this 1st day of October 2009
New York, New York



The Honorable Ronald L. Ellis
United States Magistrate Judge